

M E M O R A N D U M

TO: Governing Board Members

FROM: Anthony M. Waterhouse, P.E., Assistant Director, Regulation Division

DATE: January 14, 2016

SUBJECT: Rulemaking to make Minor Amendments to General/Procedural Rules in Chapter 40E-1, F.A.C., and Environmental Resource Permit Rules in Chapter 40E-41, F.A.C.

Summary

The District is proposing to amend its general/procedural rules in Chapter 40E-1, F.A.C., and amend its environmental resource permit rules in Chapter 40E-41, F.A.C., to address comments from the Joint Administrative Procedures Committee (JAPC), and to make other minor changes.

Staff Recommendation

Authorize publication of a Notice of Rule Development and a Notice of Proposed Rule in the *Florida Administrative Register*, and request review from the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, to amend the general/procedural rules and environmental resource permit rules as stated in the agenda title.

Additional Background

The District proposes to amend its general/procedural and environmental resource permit rules as follows:

1) delete definitions in Rule 40E-1.021, F.A.C., that are redundant of statutes and add applicable rule chapters; 2) correct the fee table in Rule 40E-1.607, F.A.C., to delete "Noticed" from "Noticed General Permit" and move fee for the "individual permit for a phase of construction that is consistent with an existing conceptual approval permit" from the major modifications category to the "new applications" category; 3) correct a rule reference in Rule 40E-1.6107, F.A.C., and update contact information; 4) delete references in Rule 40E-1.615, F.A.C., to repealed rules and replace with applicable statute; 5) update contact information and correct the date listed in Rule 40E-1.659, F.A.C., for Form 0483, Request for Surface Water Management, Water Use or Wetland Resource Permit Transfer; 6) address comments received from JAPC regarding the incorporation of enforcement guidelines that apply to the environmental resource permitting, consumptive use, and surface water management enforcement programs in Rule 40E-1.702, F.A.C.; 7) address comments received from JAPC to update the name of an agency referenced in Rule 40E-41.160, F.A.C; and 8) rename, incorporate and provide hyperlinks to Figures referenced in Chapter 40E-41, F.A.C.

Core Mission and Strategic Priorities

This item supports the core mission by updating and correcting the District's environmental resource permit rules and general/procedural rules.

Funding Source

The cost for publication of the notices will be funded from the Office of Counsel's budget.

Staff Contact and/or Presenter

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